UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/48/625
23 November 1993
ENGLISH
ORIGINAL: SPANISH

Forty-eighth session
Agenda item 107

ELIMINATION OF RACISM AND RACIAL DISCRIMINATION

Report of the Third Committee (Part I)*

Rapporteur: Mrs. Rosa Carmina Recinos de MALDONADO (Guatemala)

I. INTRODUCTION

1. At its 3rd plenary meeting, on 24 September 1993, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its forty-eighth session the item entitled "Elimination of racism and racial discrimination" and to allocate it to the Third Committee.

2. The Committee considered the item jointly with item 108 (a) at its 3rd to 10th, 25th and 32nd meetings, on 11, 12, 14, 15 and 18 October and 8 and 12 November 1993. An account of the Committee's discussion of the item is contained in the relevant summary records (A/C.3/48/SR.3-10, 25 and 32).

3. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Committee on the Elimination of Racial Discrimination (A/48/18); 1/

(b) Report of the Secretary-General on the draft programme of action for the third decade to combat racism and racial discrimination (1993-2003) (A/48/423);

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* The report of the Committee on item 107 will be issued in two parts (see also A/48/625/Add.1).

1/ To be issued in final form as Official Records of the General Assembly, Forty-eighth Session, Supplement No. 18 (A/48/18).

(c) Report of the Secretary-General on the status of the International Convention on the Suppression and Punishment of the Crime of Apartheid (A/48/438);

(d) Report of the Secretary-General on the financial situation of the Committee on the Elimination of Racial Discrimination (A/48/439);

(e) Model national legislation for the guidance of Governments in the enactment of further legislation against racial discrimination; draft revised by the Secretariat in accordance with the comments made by the Committee on the Elimination of Racial Discrimination at its fortieth and forty-first sessions (A/48/558);

(f) Letter dated 3 February 1993 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the Secretary-General (A/48/76-S/25230);

(g) Letter dated 8 February 1993 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General (A/48/81);

(h) Letter dated 18 March 1993 from the Permanent Representative of South Africa to the United Nations addressed to the Secretary-General (A/48/118);

(i) Letter dated 4 August 1993 from the Permanent Representative of Brazil to the United Nations addressed to the Secretary-General (A/48/291-S/26242 and Corr.1 and 2);

(j) Letter dated 6 October 1993 from the Permanent Representative of Indonesia to the United Nations addressed to the Secretary-General (A/48/484-S/26552);

(k) Letter dated 12 October 1993 from the Permanent Representative of Austria to the United Nations addressed to the Secretary-General (A/48/496);

(l) Letter dated 25 October 1993 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General (A/48/547);

(m) Letter dated 26 October 1993 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the Secretary-General (A/C.3/48/3);

(n) Letter dated 27 October 1993 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the Secretary-General (A/C.3/48/4).

4. At the 3rd meeting, on 11 October, the Assistant Secretary-General for Human Rights made a statement (see A/C.3/48/SR.3).

5. At the 6th meeting, on 14 October, the Special Rapporteur of the Commission on Human Rights on the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination made a statement (see A/C.3/48/SR.6).

II. CONSIDERATION OF PROPOSALS

A. Draft resolution A/C.3/48/L.14

6. At the 25th meeting, on 8 November, the representative of Zimbabwe, on behalf of Angola, Mozambique, Namibia, Nigeria, the United Republic of Tanzania, Zambia and Zimbabwe, introduced a draft resolution entitled "Status of the International Convention on the Suppression and Punishment of the Crime of Apartheid" (A/C.3/48/L.14).

7. At its 32nd meeting, on 12 November, the Committee adopted draft resolution A/C.3/48/L.14 by a recorded vote of 103 to 1, with 46 abstentions (see para. 12, draft resolution I). The voting was as follows: 2/

In favour: Afghanistan, Algeria, Angola, Antigua and Barbuda, Armenia, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brunei Darussalam, Burkina Faso, Cambodia, Cameroon, Central African Republic, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Democratic People's Republic of Korea, Djibouti, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Ghana, Guatemala, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Republic of Korea, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovenia, Solomon Islands, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: United States of America.

Abstaining: Albania, Argentina, Australia, Austria, Azerbaijan, Belgium, Brazil, Bulgaria, Canada, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kazakhstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Mali, Malta, Marshall Islands, Micronesia (Federated States of), Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, San Marino, Slovakia, Spain, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland.

2/ Owing to a mechanical error, the vote in favour by Mali was incorrectly recorded as an abstention.

8. After the adoption of the draft resolution, statements were made by the representatives of Belgium (on behalf of the European Union), the United States of America and Mali (see A/C.3/48/SR.32).

B. Draft resolution A/C.3/48/L.16

9. At the 25th meeting, on 8 November, the representative of Slovenia, on behalf of Australia, Austria, Bangladesh, Bosnia and Herzegovina, Bulgaria, Canada, Cyprus, the Czech Republic, Denmark, Ecuador, Egypt, Finland, Germany, Hungary, Iceland, Morocco, the Netherlands, New Zealand, Nigeria, Norway, Pakistan, Poland, Romania, Slovakia, Slovenia and Sweden, introduced a draft resolution entitled "Report of the Committee on the Elimination of Racial Discrimination" (A/C.3/48/L.16). Subsequently, Costa Rica and the former Yugoslav Republic of Macedonia joined in sponsoring the draft resolution.

10. At the 32nd meeting, on 12 November, the representative of Slovenia orally revised the draft resolution by replacing, in operative paragraph 3, the words "Welcomes also" by the words "Takes note of".

11. At the same meeting, the Committee adopted draft resolution A/C.3/48/L.16, as orally revised (see para. 12, draft resolution II).

III. RECOMMENDATIONS OF THE THIRD COMMITTEE

12. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

DRAFT RESOLUTION I

Status of the International Convention on the Suppression and Punishment of the Crime of Apartheid

The General Assembly,

Recalling its resolutions 41/103 of 4 December 1986, 42/56 of 30 November 1987, 43/97 of 8 December 1988, 44/69 of 8 December 1989, 45/90 of 14 December 1990, 46/84 of 16 December 1991 and 47/81 of 16 December 1992,

Mindful that the International Convention on the Suppression and Punishment of the Crime of Apartheid 3/ constitutes an important international treaty in the field of human rights and serves to implement the ideals of the Universal Declaration of Human Rights, 4/

Reaffirming its conviction that apartheid is a crime against humanity and constitutes a total negation of the purposes and principles of the Charter of

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3/ Resolution 3068 (XXVIII), annex.

4/ Resolution 217 A (III).

the United Nations and a gross violation of human rights, seriously threatening international peace and security,

Condemning the abhorrent system of apartheid wherever it exists, as well as the repression it engenders,

Convinced that universal ratification of or accession to the Convention and the immediate implementation of its provisions will contribute to the eradication of the crime of apartheid,

1. Takes note of the report of the Secretary-General on the status of the International Convention on the Suppression and Punishment of the Crime of Apartheid; 5/

2. Commends those States parties to the Convention which have submitted their reports under article VII thereof;

3. Appeals to all States, United Nations organs, the specialized agencies and international and national non-governmental organizations to step up their activities to enhance public awareness by denouncing the crimes of apartheid;

4. Underlines the importance of the universal ratification of the Convention, which would be an effective contribution to the fulfilment of the ideals of the Universal Declaration of Human Rights and other human rights instruments;

5. Appeals once again to those States which have not yet done so to ratify or to accede to the Convention without further delay;

6. Requests the Secretary-General to intensify his efforts, through appropriate channels, to disseminate information on the Convention and its implementation with a view to promoting further ratification of or accession to the Convention;

7. Also requests the Secretary-General to include in his next annual report under General Assembly resolution 3380 (XXX) of 10 November 1975 a special section concerning the implementation of the Convention.

DRAFT RESOLUTION II

Report of the Committee on the Elimination of Racial Discrimination

The General Assembly,

Recalling its previous resolutions concerning the reports of the Committee on the Elimination of Racial Discrimination and its resolutions on the status of

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5/ A/48/438.

the International Convention on the Elimination of All Forms of Racial Discrimination, 6/

Reiterating the importance of the International Convention on the Elimination of All Forms of Racial Discrimination, which is one of the most widely accepted human rights instruments adopted under the auspices of the United Nations,

Aware of the importance of the contributions of the Committee to the efforts of the United Nations to combat racism and all other forms of discrimination based on race, colour, descent or national or ethnic origin,

Reiterating once again the need to intensify the struggle for the elimination of racism and racial discrimination throughout the world, especially its most brutal forms,

Emphasizing the obligation of all States parties to the Convention to take legislative, judicial and other measures in order to secure full implementation of the provisions of the Convention,

Bearing in mind the Vienna Declaration and Programme of Action, 7/ adopted by the World Conference on Human Rights on 25 June 1993, in particular section II.B, relating to equality, dignity and tolerance,

Calling upon States parties expeditiously to notify the Secretary-General in writing of their agreement to the amendment to the Convention regarding the financing of the Committee, as decided upon at the meeting of States parties on 15 January 1992 and set out in General Assembly resolution 47/111 of 16 December 1992,

Welcoming efforts of the Secretary-General to ensure interim financial arrangements for the financing of the expenses incurred by the Committee,

Stressing the importance of enabling the Committee to function smoothly and to have all necessary facilities for the effective performance of its functions under the Convention,

Having considered the report of the Secretary-General on the financial situation of the Committee, 8/

1. Commends the Committee on the Elimination of Racial Discrimination for its work with regard to the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination 6/ and the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination 9/ and its contribution to the preparation of a third decade to combat racism and racial discrimination;

6/ Resolution 2106 A (XX), annex.

7/ Report of the World Conference on Human Rights, Vienna, 14-25 June 1993 (A/CONF.157/24 (Part I)), chap. III.

8/ A/48/439.

9/ Resolution 38/14, annex.

2. Welcomes the innovatory procedures adopted by the Committee for reviewing the implementation of the Convention in States whose reports are overdue and for formulating concluding observations on State party reports;

3. Takes note of the general recommendations adopted by the Committee, which concretize the obligations of States parties with regard to the provisions of the Convention, especially General Recommendation XII (42), on successor States, and General Recommendation XV (42), on article 4 of the Convention; 10/

4. Encourages the Committee to continue to exert its efforts to enhance its contributions in the area of prevention of racial discrimination, including early warning and urgent procedures;

5. Expresses its profound concern at the fact that a number of States parties to the Convention still have not fulfilled their financial obligations, as shown in the report of the Secretary-General; 8/

6. Remains fully aware of the fact that such a situation may lead to a further delay in the discharge by the Committee of its substantive obligations under the Convention;

7. Takes note with appreciation of the report of the Committee on the work of its forty-second and forty-third sessions; 11/

8. Urges States parties to accelerate their domestic ratification procedures with regard to the amendment concerning the financing of the Committee;

9. Requests the Secretary-General to continue to ensure adequate financial arrangements and appropriate means to enable the functioning of the Committee;

10. Calls upon States parties to fulfil their obligations under article 9, paragraph 1, of the Convention, to submit in due time their periodic reports on measures taken to implement the Convention and to pay their outstanding contributions and, if possible, their contributions for 1994 before 1 February 1994, so as to enable the Committee to meet regularly;

11. Strongly appeals to all States parties, especially those in arrears, to fulfil their financial obligations under article 8, paragraph 6, of the Convention;

12. Requests the Secretary-General to invite those States parties which are in arrears to pay the amounts in arrears, and to report thereon to the General Assembly at its forty-ninth session;

10/ See A/48/18, chap. VIII.B.

11/ A/48/18.

13. Decides to consider at its forty-ninth session, under the item entitled "Elimination of racism and racial discrimination", the report of the Secretary-General on the financial situation of the Committee and the report of the Committee.